

**WALDO COUNTY COMMISSIONERS COURT SESSION  
SEPTEMBER 8, 2009**

**PRESENT:** Commissioners Donald P. Berry, Sr. (Chairman), Amy R. Fowler and William D. Shorey. Also present was County Clerk Barbara Arseneau.

Commissioner Berry opened the court session at 9:00 a.m.

**2010 BUDGET PLANNING:**

The Commissioners discussed when to start calling the Budget Committee together. All looked at calendars and dates were reviewed. There was also discussion of how best to get the budgets to the Budget Committee. It was decided that the Commissioners would hold a "Commissioners 2010 Budget Presentation" at 6:00 p.m. in the Probate Courtroom on September 29, 2009. This Commissioners court session would allow for the Commissioners to explain the budget before the Budget Committee commences holding their Budget Sessions, with some recommendations for going through the budget earlier in the year in a more expedient manner than previous years. The Commissioners expressed that this entire budget is the Commissioners budget, not separate departments.

**\*\*A. Fowler moved, W. Shorey seconded entering Executive Session according to Title 36 § 841 (2) and Title 1 § 405(F) at 9:19 a.m. Unanimous.**

**\*\*A. Fowler moved, W. Shorey seconded coming out of Executive Session at 9:30 a.m. Unanimous.**

**\*\*A. Fowler moved, W. Shorey seconded that with respect to Case #1-2009, the County Commissioners grant an abatement of \$1,339.42 pursuant to Title 36 MRSA Section 841(2). Unanimous.**

**CORRESPONDENCE:**

1. On September 3, 2009, MCCA Executive Director Robert Howe sent the Court's Decision and the trial results on Trial (R066ww18) MacImage v. Hancock. According to the results, Hancock County "is required under the Freedom of Access Law to provide electronic copies of the documents requested in [MacImage's] September 29, 2008 request without charging \$1.50 per page. [Hancock County] has the option of providing such copies either in the form of a bulk transfer (charging for any staff time involved) or by allowing [MacImage] to make those copies off the website. If [MacImage] pays for the actual translation costs involved, [Hancock County] shall separately identify and provide copies of electronic indexes that have been re-indexed, re-scanned, or annotated. This ruling is without prejudice to the Hancock County Commissioners' ability to meet in the future and determine a reasonable for copies consistent with this order." The Commissioners expressed concern over the ruling and wondered if this will eventually impact other counties.
2. B. Arseneau submitted for review recent correspondence related to the State Radio network.

## 2010 BUDGET REVIEW:

### 1020 COMMISSIONERS BUDGET:

Line 4105: W. Shorey expressed concern about the impending overdraft of the Commissioners' mileage account and recommended that the 2010 request be held to \$3,500.00 divided as follows: District 1 - \$1,500.00, District #2 at \$500.00 and District #3 at \$1,500.00. All Commissioners agreed.

Line 4015: The Commissioners discussed reducing the \$40,000.00 for Professional Services to \$32,000.00, making that bottom line reduced by \$8,000.00.

B. Arseneau requested that Human Resources/Payroll Director Michelle Wadsworth be permitted to explain the increase in the Payroll portion of the Professional Services Line. The Commissioners called in M. Wadsworth, who explained that \$2,900 of the \$11,200.00 is to allow the County to have an H.R. system online with Paychex (formerly Advantage Payroll) so it will be tied in with the County's payroll. The figure includes a one-time \$750.00 starting fee. This will cost about \$1,500 to \$1,900.00 subsequent years, which is about \$9.00 per payroll, .63 cents per employee per payroll. That is what will make it so high next year. For just the County side, there will be about 40 payrolls, including health insurance buyouts, which have to be done quarterly on a separate payroll week, per contract. Educational stipends and clothing allowances must also be run as separate payrolls. One advantage to this system is if there are changes or corrections, these can be done in-house rather than having to ask the payroll company to make those changes. Reports can also be run in-house as well, rather than contacting the Payroll representative and paying a fee for the information. The Commissioners approved this amount staying in the budget request.

There was discussion of reducing the Architect portion of the Professional Services line from \$6,000 to \$1,500.00 because the Commissioners felt any architectural work related to a new Sheriff's Office would likely come from whatever reserve account the building project would be funded from.

Technology was briefly discussed. The Commissioners felt that this was an area that they needed to have confidence in the figures provided to them. They recognized that bringing Islesboro and Stockton Springs onto the Spillman CAD system increases that line.

D. Berry presented the Commissioners FLSA-Exempt pay scale, based on the 2009 scale with adjustments on the Human Resources/Payroll Director and Deputy County Clerk Positions only, to address pay inequities as compared with other support positions within the County and as compared to their counterparts in the other Maine counties, but doing so over a two-year period.

**\*\*A. Fowler moved, W. Shorey seconded to accept and discuss the new pay scale for a two-year increase for the County Commissioners staff.** W. Shorey said he was willing and felt this was a very good goal. He felt that this should take care of creating an equitable system for those two positions that were low-paid. A. Fowler said that the Commissioners are blessed with an exceptionally knowledgeable and good staff. She stated, however, that there were other people's positions that had never been touched. She agreed that the pay scale the Commissioners presented to the Budget Committee for 2009 had been done in haste. She didn't see the inequity in her staff as much as the others.

D. Berry agreed that both the Register of Deeds and the Register of Probate's salaries were very inequitable and should also be addressed in a two-year manner at the same time. He presented a pay

scale that had been developed to that effect. D. Berry said that the Clerical Aide position will not be addressed in 2010, which will be a savings of nearly \$3,000.00. It is anticipated that the pay for this position will be discussed again for 2011.

W. Shorey asked if this was in the Commissioners budget and was told it was not – it was just being considered as overall savings. W. Shorey also said he wondered if one of the requests the Sheriff had made in his budget that he was applying for a grant for should also be removed. He was confident that with the stimulus packages available, that grant would come to fruition.

Returning to the salary discussion, W. Shorey said he agreed with and would defend to the Budget Committee the two-year pay scale increase for the Commissioners Staff. He felt there were definite inequities in the salaries and felt that with the reductions the Commissioners had just made in their own budget, there was justification in asking for the proposed pay scale that addresses this over the next two years.

[Brief Break]

The Commissioners reviewed again the proposed pay scale for a two-year plan to address the two low-paid positions on the Commissioners' FLSA-Exempt Pay Scale. The County Clerk would continue at present pay scale salary. A. Fowler asked if the County Clerk position had been touched. D. Berry said no, that would remain the same as structured on the 2009 pay scale. He explained that that part of the fact was that it seems to be an equitable number as it sits right now. The County Clerk had agreed that her salary was fine and equitable and had actually insisted several times to the Chairman that her salary be frozen at the current 2009 level in order to assist with equitable funding for the other two positions, but he had refused to freeze it. W. Shorey asked how the County Clerk felt about it. She said she understood Commissioner Berry's decision on the matter. She was concerned about the salaries of the other two positions in the office.

When asked, A. Fowler said that the Commissioners had just reduced their budget by \$13,000.00 and then right after that incurred another approximately \$31,000.00. She felt that until she could show that she was making an effort to correct the other salary inequities; she didn't feel she could support it. She was considering the two Registers' positions, and added that there were several other positions including the Facilities Manager that needed attention. She said she might abstain, but had been "swayed."

**Vote passed by two. (Commissioner Fowler voted against.)**

There was additional discussion of Technology and no cuts were determined to be necessary or advisable.

#### **REPORT FROM DEPUTY TREASURER:**

Present to report to the Commissioners was Deputy Treasurer Karen Trussell.

1. Postage meter – The postage meter in the Commissioners Office is shared equally between Commissioners and Treasurer's budgets. The Registry of Probate was exploring the possibility of sharing it as well, and the expense could be shared equally between the three departments. K. Trussell explained, for example, that there are two postage meters in the Superior Courthouse. Rather than have the Probate Registry purchase their own, it is possible to add several accounts to the same

machine for postage and it would be economical to share. She noted that the Registry produces a lot of mail every day and this might be helpful to them. If the Registry decided to share the machine, all three departments would have a budget of \$270.00 each. (Later in the morning, Register of Probate Sharon Peavey contacted the Commissioners Office to report that they would not be using the postage meter, and also that there were Passport Fees that were being reduced, so the Projected Revenue would be reduced to \$79,500.00 on the projected budget for 2010.

2. K. Trussell also reported that \$22,672.00 would be from leftover money in a CD. \$127,000.00 was left over and would be placed in a reserve account. K. Trussell stated that the Community Corrections balance had been \$22,672.00 and informed the Commissioners that they had been given the wrong amount to approve. The balance is actually \$23,428.13. There are two invoices from J&B Diversified Associates for work at the Jail and she was not sure which budget line to code these from. W. Shorey said he remembered specifically that J. Arseneau had told them that wiring needed to be done. K. Trussell reminded the Commissioners that \$50,000.00 had been approved for expenditure in renovating the Jail to a re-entry facility. Then they approved more in the amount of \$22,672.00, which needs to be corrected to \$23,428.13, and also approved \$19,128.00 to be expended from the Facilities All Other Reserve. K. Trussell did not know what funds to use to pay the two invoices from J&B Diversified for work at the Jail. The Commissioners instructed her to pay those two invoices from Facilities All Other.

**\*\*A. Fowler moved, W. Shorey seconded to change the figure for the Community Corrections Reserve from \$22,672.00 to \$23,428.13. Unanimous.**

#### **WARRANTS:**

**\*\*D. Berry moved, W. Shorey seconded authorizing payment of the September 8, 2009 County Accounts Payable Warrant in the amount of \$98,670.76, the September 3, 2009 County Payroll in the amount of \$90,705.60, the September 8, 2009 Jail Accounts Payable Warrant in the amount of \$31,119.39, the September 3, 2009 Jail Payroll in the amount of \$22,159.11 and the September 8, 2009 Capital, Active & Restricted Reserve Warrant in the amount of \$23,440.74. Unanimous.**

#### **FLSA-EXEMPT PAY SCALE, REVISITED:**

Present for this discussion was Facilities Manager Keith Nealley and Communications Director Owen Smith. K. Nealley stated that he, the Communications Director and others on the FLSA-exempt pay scale had submitted a pay scale, the Commissioners had re-vamped it and the group had some questions about it. Now the group was submitting another pay scale for consideration. K. Nealley asked if the Commissioners were doing away with COLA's with the intention that this will also in the future end up being the case for all employees. D. Berry said that this is the direction they were heading for. He explained that he felt that the scales should be established with yearly steps through fifteen years. Because the Communications Director and Chief Deputy are both beyond the 15-year level, they would have their own separate lines until they retire. The goal is if changes need to be made in the future, the entire pay scale would be addressed from starting pay to finish. A. Fowler asked if R. Keating was supposed to have brought his years of service with Belfast over like O. Smith did. B. Arseneau explained that the Communications Center arrangement was unique to the absorption of Belfast Dispatch into the County Dispatch. R. Keating was brought in at whatever rate the Sheriff had requested at that time when he was hired.

O. Smith felt that changing over to pay scales with no COLA's could ultimately be a good idea. Doing it this way, with a small group of people not being given COLA's, seemed fundamentally unfair. D. Berry explained that in order to come to agreements with the unions, COLA's were necessary. He stated that the goal would be to get rid of COLA's for unions in the future as well. O. Smith felt that this just sent a negative message to the eight or nine people who were having a pay scale developed and no COLA, whereas a larger majority would be receiving COLA's. D. Berry responded that he had worked for 30 years in a system that never had a COLA. The "upper echelon" had salaries negotiated. He remarked that the raises in between the steps might end up being better than a COLA some years.

He had thought about creating bonuses for those who stayed beyond 15 years. He explained that the Commissioners are not trying to cheat anyone but are trying to create equality in the system. Part of that was to address starting pays for some of the positions that were out-of-line. He commented that the proposal the group had given to the Commissioners actually had a starting salary lower than what the Commissioners were thinking it should be at. He felt that the new pay scale would guarantee a raise for people no matter what economic situation was going on. In the system he worked under, bonuses were given after the 15<sup>th</sup> year. Originally it had been a 20-year scale, but was negotiated down. Whenever there was a change, it started at the base and moved all the way up. He commented that the people on the FLSA-exempt scale were "special" and key positions.

W. Shorey commented that perhaps, in the past, there were steps and COLA's added that probably should not have been, but over-all the steps being offered was a "fairly good deal." He commended the managerial skills of the Facilities Manager and Communications Center Director. Referring to the union contracts, he said he recognized that those arrangements were a "bone of contention." The Commissioners were trying to treat the FLSA – exempt fairly.

K. Nealley said that if he took a 3% COLA, it would be \$1,100.00 approximately. It would take until year four on the scale to get that same increase that he would have received in 2010. He would still be better off with a COLA in future years as well. In speaking with people who had been here 25 or more years, they could only remember two years in which there were no COLA's. He said he recognized that the Commissioners were not in the realm to negotiate with the union employees.

A. Fowler remarked that this group had brought it up. K. Nealley replied that he could have just kept his mouth shut and taken the 3% COLA.

O. Smith said they mainly wanted to address the great space between and lack of pay steps in the current scale at 7 years and 15 years. He felt that if there were not going to be COLA's in the future for union employees, he could understand this, but if not, he would not understand why this would be happening only to eight or nine people.

A. Fowler felt that offering a COLA in this economy was "huge." She suggested that people speak with their friends, because where many people work COLA's are not offered. She claimed that the group had "started this nightmare," and she had heard that the Chief Deputy wanted no part of this.

O. Smith said that he was sorry to hear this and if the Chief Deputy would prefer, they could leave him off the new scale. He emphasized that it would only be fair if all will eventually have no COLA's. He discussed performance bonuses. "These are tangible things and it is pretty hard to put that with

governmental agencies.” He was not sure where the person who would eventually replace him would fall on the pay scale. He mentioned that other counties top off quicker - for example - the eight-year level. A. Fowler thought that 15 was “pretty puff.”

W. Shorey, referring to the pay scale just submitted to them, asked both K. Nealley and O. Smith to ask themselves where else in the county they could find a job with this kind of pay. O. Smith said that he understood this, but it was a matter of fundamental fairness. If COLA's are not applied across the board, it was not fair. He agreed wholeheartedly with W. Shorey that he was well paid and very lucky to have this job. He commented that it had been “negotiated hard” to get the COLA's in the Communications Center Union. He felt that the starting increases were small and if the Commissioners wanted to keep people, they might want to address this. That being said, he stated again that he agreed with everything Commissioner Shorey stated. These jobs are something employees should be grateful for.

W. Shorey said that he took small exception to O. Smith's comments about lack of fairness. He stated that not everything can be arrived at “on the same day.”

K. Nealley stated that there are other non-FLSA positions, including the Facilities Technician, the Deputy EMA Director and the Communications Supervisor who will benefit from the 3% COLA.

W. Shorey stated that the FLSA-exempt positions were secure positions. O. Smith said he did not argue with that at all. He explained that it had been very hard to develop a pay scale for those positions, so they ended up starting where they were and working backward. O. Smith emphasized that he appreciates everything he gets, including benefits.

D. Berry assured O. Smith that he would never actively cheat someone. In 36 years of teaching, he was paid less than any of those starting salaries and that was with advance learning levels. “I was born in the wrong time,” he stated. He added that the Commissioners had made an attempt at a pay scale, for discussion purposes, which is what was happening now.” He explained that his philosophy was to reward not the beginning, but for staying because of the value of experience. He said he despised the “7-11” steps. He liked the yearly up to fifteen. He stated that he was using that structure with the Commissioners own staff.

K. Neally asked for a couple of points to be considered:

1. Apply no COLA's to ALL employees.
2. If not considering this, please consider delaying the start of that schedule.

W. Shorey commented that they are speaking for themselves and wondered why K. Nealley was speaking for others' positions when he really didn't know what those positions may entail. He offered as examples, “Your position is not the same and Barbara Arseneau's [County Clerk] and Owen Smith's position is not the same and Sharon Peavey's [Register of Probate.]

K. Nealley thanked the Commissioners for their time and effort working on the pay scales. D. Berry revealed that he had spent in excess of 15 hours on this process.

W. Shorey asked all to remember that they are working as one team and are looking for the well-being of all.

O. Smith said that, really, the only people that have left employment were typically Sheriff's Deputies who have gone to work for the State Police, and there wasn't much that could be done to stop that. Other than that, there really aren't many employees who leave employment with the County of Waldo because the pay is good and the conditions very fair. He felt that increases had been made, there was job security in place and most people feel that way. "This adds stability to the workplace. When MBNA came, nobody really left to go work with them," he acknowledged. He again stated that he was grateful for his job, that he was well paid and thankful for that. He stated that Belfast dispatch did well to become absorbed by the County. If COLA's disappear and this becomes the norm, it will be an adjustment that will have to be made by employees. He recognized how much work had been put into creating the pay scale ideas and listed the reasons why they had had difficulty coming up with one themselves.

W. Shorey thought it was good to have such a good discussion. O. Smith said he felt very good when he left after the last Commissioners Court Session because he had an opportunity to really talk about things related to the budget process and his concerns.

The Commissioners shared that they have set September 29<sup>th</sup> as a goal to meet as Commissioners and inviting the Budget Committee to come in, receive their budget books and discuss things with the Committee to hopefully make the budget process easier and more pleasant for all.

O. Smith said that, on a different topic, the new ergonomic work stations were all in and the Communications Center was nearly 90% back together. He said it had been a lot of work but would be well worth it. He also expressed appreciation that he could speak candidly with the Commissioners, would never be offended by candid discussion by them, and hoped he would never offend them.

The Commissioners thanked K. Nealley and O. Smith for meeting with them.

#### **COMMISSIONERS BUSINESS:**

There was no additional business at this time, and the Commissioners noted that they did not require the second Executive Session scheduled for that morning.

**\*\*W. Shorey moved, A. Fowler seconded adjourning the meeting at 12:08 p.m. Unanimous.**

Respectfully submitted by *Barbara L. Arseneau*  
Waldo County Clerk